

### **REMARKS/ARGUMENTS**

The Office Action mailed November 17, 2004 has been reviewed and carefully considered. Claims 3 and 8 were previously canceled. Claims 10 and 11 are now added. Claims 1-2, 5-7, and 9-11 are pending in this application, with claims 1 and 5 being the only independent claims. Reconsideration of the above-identified application, in view of the following remarks, is respectfully requested.

In the Office Action mailed November 17, 2004, claims 1-2 and 5-7 stand rejected under 35 U.S.C. §102(e) as anticipated by WO 97/19548 (Merchant).

Claims 4 and 9 stand rejected under 35 U.S.C. §103 as unpatentable over Merchant in view of U.S. Patent No. 5,966,653 (Joensuu).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a method and system for setting up a telecommunication connection between an A-party located in a first country and a B-party located in a second country while avoiding the problem of unequal, direction dependent charges for inter-country calls (see page 2, lines 8-20, and page 4, lines 3-5 of the specification). According to the inventive method, the A-party sends a call-back connection setup message from the A-party's telecommunication terminal to a telecommunication server connected to the mobile subscriber network, wherein the telecommunication server includes means for handling calls and messages (see page 4, lines 9-15, and page 7, lines 9-14). The telecommunication server identifies the B-party from the call setup message and sets up a first call to the A-party and a second call to the B-party (page 4, lines 15-17, and page 7, line 20 to page 8, line 1). The telecommunication server then connects the two calls to establish a telecommunication connection between the A-party and the B-party so that a communication connection or call is established from the B-party to the A-party (page 4, lines 17-18, and page 8, lines 1-2). A

subscription of the A-party is identified by the telecommunication server and the charges for the call are directed to the identified A-party subscription (page 4, lines 19-20, page 5, lines 8-10, and page 7, lines 18-20).

Independent claims 1 and 5 each recite that an A-party sends a call-back connection set up message to a telecommunication server using the switched communication network. In contrast, Merchant discloses that a request message is sent from a calling party to an electronic mailbox located on a computer network, i.e., the Internet (see page 5, lines 16-19; and page 7, lines 10-16 in Merchant). Since Merchant discloses that the callback request is sent using a computer network, Merchant fails to describe sending the callback request using a switched communication network, as expressly recited in each of independent claims 1 and 5. The Examiner states that this feature is disclosed at page 5, lines 16-23 of Merchant. However, that section of Merchant clearly states that the request for a call back is transmitted using a computer network, as described above. Accordingly, independent claims 1 and 5 are not anticipated by Merchant for at least this reason.

Independent claims 1 and 5 further recite that the telecommunication server identifies a subscription of the A-party and directs call charges to the A-party subscription. Merchant fails to teach this limitation because (1) Merchant discloses that a computer network server receives the message and (2) Merchant requires that the calling party supply the billing information.

Regarding the first point, Merchant discloses that the request for callback is sent to an electronic mailbox. The electronic mailbox can not be considered to be a telecommunication server. Accordingly, Merchant fails to teach or suggest that a telecommunication server receives the call back request message, as recited in independent claims 1 and 5.

Furthermore, Merchant does not disclose identifying, at the telecommunication server, a subscription of the A-party. In contrast, Merchant requires that the billing information be

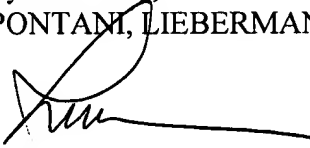
supplied by the calling party. Accordingly, independent claims 1 and 5 are not anticipated by Merchant for these additional reasons as well.

Dependent claims 2, 4, 6-7, and 9-11, each being dependent on one of independent claims 1 and 5, are deemed allowable for at least the same reasons expressed above with respect to independent claims 1 and 5.

New claims 10 and 11 further recite that the call-back connection setup message does not include billing information and that the identification of the subscription of the A-party is in response to the call-back connection setup message. Support for these claims is found in Figs. 2 and 3 and the associated text. As shown in Fig. 3, a call-back connection setup message includes only the called number of the B-party and an indication of the request for a call-back connection. The identification of the A-party subscription, step 26 in Fig. 2, is performed in response to the receipt of the call-back connection setup message at the telecommunication server. The present invention can determine the subscription of the A-party without billing information because the call-back connection setup message is received at a telecommunication server which recognizes the A-party as the sender of the call-back connection setup message. In contrast to the present invention, Merchant requires that the calling party disclose the billing information. Merchant requires this information because the request for call back is received at a computer network electronic mailbox and not at a telecommunication server. Accordingly, Merchant fails to teach or suggest identifying a subscription of the A-party when the call-back connection set up message does not include billing information, as expressly recited in each of dependent claims 10 and 11. Accordingly, it is respectfully submitted that dependent claims 10 and 11 are allowable for at least these additional reasons.

The application is now deemed to be in condition for allowance, and early notice to that effect is solicited.

Respectfully submitted,  
COHEN, PONTANI, LIEBERMAN & PAVANE

By  \_\_\_\_\_

Lance J. Lieberman  
Reg. No. 28,437  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

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